

FORM PTO-1390

U.S. Department of Commerce Patent and Trademark Office

Attorney's Docket No.

2315-129

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. Application No. (if known)

10/567,823

INTERNATIONAL APPLICATION NO.  
PCT/CA2004/001474

INTERNATIONAL FILING DATE  
16 August 2004

PRIORITY DATE CLAIMED  
13 August 2003

TITLE OF INVENTION  
DIAGNOSTIC COMPOSITION FOR DIABETES TYPE-2 AND IMPAIRED GLUCOSE TOLERANCE, AND METHODS OF USE

APPLICANT(S) FOR DO/EO/US  
Mark J. REDMOND, Diana F. SHAW


Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**ITEMS 11. TO 20. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

U.S. APPLICATION NO. (If known) 10/567,823	INTERNATIONAL APPLICATION NO. PCT/CA2004/001474	ATTORNEY DOCKET NO. 2315-129																
20. <input checked="" type="checkbox"/> Other items or information: [] RO/101 [] RO/105 [] ISA/210(ISA) [] ISA/220(ISA) <input checked="" type="checkbox"/> ISA/237(ISA) [] IB/301 [] IB/304 [] IB/306 [] IB/308 [] IB 401 <input checked="" type="checkbox"/> IB/373(IPER) [] IB/416 [] Published Application WO/ 2005/017532																		
21. The following fees are submitted:  <input checked="" type="checkbox"/> Basic National Fee ..... \$300.00	<u>CALCULATIONS</u> \$	<u>PTO USE ONLY</u>																
22. <input checked="" type="checkbox"/> Examination Fee  If the written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200.00	\$																	
23. <input checked="" type="checkbox"/> Search Fee  If the written opinion of the ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority ..... \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400.00 All other situations ..... \$500.00	\$																	
TOTAL OF 21, 22 AND 23 =		\$																
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.		\$																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Total Sheets</th> <th style="width: 20%;">Extra Sheets</th> <th style="width: 40%;">Number of each additional 50 or fraction thereof</th> <th style="width: 20%;">Rate</th> </tr> <tr> <td style="text-align: center;">- 100 =</td> <td style="text-align: center;">/ 50 =</td> <td></td> <td style="text-align: center;">x 250</td> </tr> </table>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Rate	- 100 =	/ 50 =		x 250	\$									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Rate															
- 100 =	/ 50 =		x 250															
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).		\$																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Claims</th> <th style="width: 15%;">Number Filed</th> <th style="width: 35%;">Number Extra</th> <th style="width: 35%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">24 -20 =</td> <td style="text-align: center;">4</td> <td style="text-align: center;">X \$50.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">1 - 3 =</td> <td></td> <td style="text-align: center;">X \$200.00</td> </tr> <tr> <td colspan="3">Multiple dependent claim(s) (if applicable)</td> <td style="text-align: center;">+ \$360.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate	Total Claims	24 -20 =	4	X \$50.00	Independent Claims	1 - 3 =		X \$200.00	Multiple dependent claim(s) (if applicable)			+ \$360.00	\$	
Claims	Number Filed	Number Extra	Rate															
Total Claims	24 -20 =	4	X \$50.00															
Independent Claims	1 - 3 =		X \$200.00															
Multiple dependent claim(s) (if applicable)			+ \$360.00															
TOTAL OF ABOVE CALCULATIONS =		\$																
<input checked="" type="checkbox"/> Applicant claims small entity status. The fees indicated above are reduced by 1/2.		\$																
SUBTOTAL =		\$																
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$																
TOTAL NATIONAL FEE =		\$																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$																
TOTAL FEES ENCLOSED =		\$																
		Amount to be refunded	\$															
		Amount to be charged	\$															

U.S. APPLICATION NO. (If known) <b>10/567823</b>	INTERNATIONAL APPLICATION NO. PCT/CA2004/-1474	ATTORNEY DOCKET NO. 2315-129
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 02-2135 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p><b>Customer No. 06449</b></p> <p>Rothwell, Figg, Ernst &amp; Manbeck 1425 K St., N.W. Washington, D.C. 20005 Phone: 202/783-6040</p> <p> _____ Signature</p> <p>Jeffrey L. Ihnen _____ Name</p> <p>28,957 _____ Registration Number</p>		